

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
Northern District of California

CIVIL MINUTES

Date: September 25, 2013 **Time:** 4 hrs, 43 mins **Judge:** WILLIAM H. ORRICK
8:00 a.m. to 12:43 p.m.

Case No.: [13-cv-00133-WHO](#) **Case Name:** United States Of America v. Bazaarvoice, Inc.

Attorneys for Plaintiff: Peter Huston, Michael Bonanno, Adam Severt, Lisa Scanlon, Robert Lepore, Aaron Hoag, and David Gelfand

Attorneys for Defendant: Jonathan Jacobson, Dylan Liddiard, Chul Pak, Andrea Murino, Scott Sher, Boris Feldman, and Dominique Alepin

Deputy Clerk: Jean Davis

Court Reporters: Jo Ann Bryce and Kathy Sullivan

PROCEEDINGS

Third day of bench trial, Wednesday, September 25, 2013

8:00 a.m. Court in session
Parties discuss scheduling issues

8:04 a.m. Government redirect of Witness Peter Luedtke (Michael Bonanno)
Exhibit DX1865 identified (not a stipulated exhibit)
Document marked as Government Exhibit GX1213 and identified
Exhibit GX0271 identified
Exhibit GX0646 identified
Exhibits GX0271, GX0646, GX1213 offered into evidence; defense objection as to hearsay. Exhibits admitted; Court notes the Defense objection and will consider same in its evaluation of the evidence.
Exhibit DX0531 identified - deemed admitted per prior stipulation of parties
Exhibit GX0797 admitted without objection
Exhibit GX1204 identified (exhibit reviewed by Defense, and due to confidentiality concerns, exhibit not displayed in open court). Exhibit offered into evidence; Defense objection as to hearsay. Exhibit admitted; Court notes the Defense objection and will consider same in its evaluation of the evidence.
Exhibit GX0257 identified - deemed admitted per prior stipulation of parties

8:53 a.m. Defense follow up (Boris Feldman)
Exhibit 1851 admitted without objection

8:56 a.m. Government follow up (Michael Bonanno)

8:56 a.m. Court queries witness Peter Luetke

9:04 a.m. Witness excused

9:06 a.m. Witness **Jacqueline Cunningham** sworn; Government direct examination (Lisa Scanlon)

Exhibit GX0445 identified - deemed admitted per prior stipulation of parties
Exhibits GX0444, GX1196 and GX0440 admitted without objection

9:23 a.m. Court in recess

9:35 a.m. Court in session

9:45 a.m. Defense cross examination of witness Jacqueline Cunningham (Dylan Liddiard)

9:47 a.m. Government redirect of witness Jacqueline Cunningham (Lisa Scanlon)

9:47 a.m. Witness excused

9:47 a.m. Witness **Erin Michael Defosse** sworn; Government direct examination

Document marked as Government Exhibit GX1214 and identified. Exhibit offered into evidence; Defense objection as to foundation and hearsay. Objection overruled; exhibit admitted.

Exhibit GX0024 identified - deemed admitted per prior stipulation of parties

Exhibit GX0028 identified (not a stipulated exhibit)

Exhibit GX0029 identified (not a stipulated exhibit)

Exhibit GX0030 identified - deemed admitted per prior stipulation of parties

Exhibit GX0032 identified (not a stipulated exhibit)

Exhibit GX0941 identified - deemed admitted per prior stipulation of parties

Exhibit GX0034 identified - deemed admitted per prior stipulation of parties

Exhibit GX0035 identified - deemed admitted per prior stipulation of parties

Exhibit GX0037 identified - deemed admitted per prior stipulation of parties

Exhibit GX0039 identified - deemed admitted per prior stipulation of parties

Document marked as Government Exhibit 1215 and identified (exhibit reviewed by Defense, and due to confidentiality concerns, exhibit not displayed in open court).

10:55 a.m. Court in recess

11:05 a.m. Court in session

Defense cross examination of witness Erin Michael Defosse (Boris Feldman)

Witness background information used as aid in questioning only (not treated as an exhibit)

Exhibit GX0540 identified - deemed admitted per prior stipulation of parties

Government offers GX0028, GX0029, GX0032, and GX1215 into evidence; admitted without objection but with the Defense assertions as to confidentiality with regard to GX1215.

11:58 a.m. Witness excused

11:59 a.m. Government presents excerpts of video deposition of **George Waltzinger** by way of direct examination

12:23 p.m. Defense presents excerpts of video deposition of George Waltzinger by way of cross examination

12:39 p.m. Government presents excerpts of video deposition of George Waltzinger by way of redirect

12:43 p.m. Court in recess

Trial to resume Thursday, September 26, 2013 at 8:00 a.m.